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ary Committee to consider the Bank Secrecy Act amendments. Based on oversight hearings regarding efforts to enforce the present provisions, many of us are convinced that this legislation is crucial to the efforts of our law enforcement agencies in their war against drug trafficking and other criminal activities that involve large sums of money.

The present penalties in the Bank Secrecy Act are patently inadequate and enforcement efforts have pinpointed other deficiencies in the 1970 statute.

The lack of action by the Judiciary Committee, I might add, involves not only the Bank Secrecy Act but a broad spectrum of other elements in the anticrime package. The people of this Nation have made it clear, in no uncertain terms, that they want and expect the Congress of the United States to take deliberate, firm and prompt steps to make sure that criminals are made to pay for their misdeeds.

Until this is done, innocent people, including our young people who are the special victims of the illegal narcotics trade, remain held in bondage to drugs or live imprisoned behind their own locked doors, fearful of becoming victims.

The Senate, as evidenced by its 91 to 1 vote, adopted a bipartisan approach to this very serious issue. I call upon the House of Representatives to do no less.

I and several colleagues from both sides of the aisle who serve on the Oversight Subcommittee have written the chairman of the Judiciary Committee, asking for prompt consideration of the Bank Secrecy Act so that the House can act during this session.

● Mr. RODINO. Mr. Speaker, I rise in support of the legislation.

H.R. 5919 will eliminate serious obstacles to the prosecution of persons who use offshore banks to conceal criminal profits and evade Federal taxes. Such prosecutions may often require the introduction as evidence of records of the offshore banks. Under the current rules of evidence, however, this may require that the custodian of the record actually appear in Federal court, or that a deposition be taken at a U.S. Consulate. The bill provides a simple and inexpensive substitute for the cumbersome and expensive procedures currently required for the admission of foreign business records. Such records are admissible if the custodian executes, under penalty for false statement, a certification of the genuineness of the records and their manner of being kept. A party may challenge the records, and the court need not admit them if the court finds that the source of information for the records or the manner or circumstances of preparation of the records indicates a lack of trustworthiness for the records.

Another problem arises because defendants often file actions in foreign courts to hinder access to bank

records, causing lengthy delays. Delays in obtaining records from foreign countries may prevent the bringing of charges before the statute of limitation has run out or may prevent the Government from being able to go to trial within the period prescribed by the Speedy Trial Act. H.R. 5919 deals with this type of problem by authorizing a Federal court to suspend for up to 3 years the running of the statute of limitation if the prosecutor establishes that the time is necessary in order to obtain evidence located in a foreign country. The bill also authorizes a Federal court to suspend for up to 1 year, Speedy Trial Act deadlines if any party establishes that there is pending an official request for evidence located in a foreign country.

Mr. Speaker, H.R. 5919 was reported by the Committee on the Judiciary by voice vote, with no audible dissent, and is supported by the Justice Department. I urge my colleagues to support it. ●

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. CONYERS] that the House suspend the rules and pass the bill, H.R. 5919, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ACT OF 1984

The SPEAKER pro tempore. Pursuant to House Resolution 534 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3987.

□ 1505

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3987) to improve the preservation and management of Federal records, and for other purposes, with Mr. GONZALEZ in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas [Mr. Brooks] will be recognized for 30 minutes and the gentleman from New York [Mr. HORTON] will be recognized for 30 minutes.

The Chair now recognizes the distinguished gentleman from Texas [Mr. Brooks].

Mr. BROOKS. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, in the 50 years since its creation, the National Archives has played a vital role in the organization and preservation of our Nation's documentary heritage as well as in the efficient management of the Federal Government's records activities. The Archives was established in 1934 as an independent agency, headed by an Archivist appointed by the President. Fifteen years later, however, the Federal Property and Administrative Services Act of 1949 transferred the Archives to the newly created General Services Administration. The principal archival functions which were previously exercised by the Archivist were vested in the Administrator of General Services and the Archivist became a subordinate of the Administrator.

Over the 35 years since that transfer, numerous groups and individuals concerned with the Federal Government's archival activities have contended that this placement has impaired the Archives' effectiveness in handling, preserving, and disseminating Federal records. Under the present system, the Archivist lacks clear statutory authority for most archival functions and, as a result, accountability for their efficient operation is impaired.

In preparation and defense of the Archives' annual budget, the Archivist lacks direct access to OMB and to the Congress. Vital administrative support services for the Archivist have been poor in quality and unresponsive to the Archives' specialized needs. Submerged within a bureaucratic structure that is primarily concerned with housekeeping details, the Archives has suffered and, as a result, its vital work has suffered.

H.R. 3987 corrects this situation by making the National Archives and Records Administration an independent agency in the executive branch. Under this bill, the Archivist of the United States will once again become a Presidential appointee to be confirmed by the Senate. The bill provides that the Archivist may be removed by the President; but, to ensure that the President will be held accountable in the political process for any such removal, it also requires that the President communicate the reasons for this action to the Congress.

The archival functions which currently are vested in the Administrator of GSA and merely delegated to the Archivist would be the statutory responsibility of the independent Archives. These functions include basic archival activities, operation of Federal records centers, operation of Presidential libraries, and custody and control of Presidential papers, and publication of official documents, including the Federal Register and the Code of Federal Regulations.

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Mr. Chairman, the Committee on Government Operations was particularly concerned about the issue of records management activities. Historically, authority for records management functions was delegated by the Administrator of GSA to the Archivist. In 1980, pursuant to the Paperwork Reduction Act which originated in the Committee on Government Operations, GSA was assigned a lead role in information resources policy formulation and oversight. As a result, information related records management functions were reassigned to the newly created Office of Information Resources Management within GSA.

Under this realignment, records management functions pertaining to the handling of records with permanent value were retained by the Archives. H.R. 3987 divides records management authority between the Archivist and the Administrator along the lines that this authority is currently exercised.

Mr. Chairman, it is vital that the new independent Archives function as efficiently and effectively as possible, and that the Archivist be given sufficient authority to carry out his responsibilities. For this reason, title II of H.R. 3987 makes several procedural changes to title 44 of the United States Code. These improve the operation of the National Archives trust fund, strengthen the Archivist's authority to determine what constitutes a Federal record, and grant him access to agency records to make such determination. In addition, the ability of the Archivist to seek legal redress to prevent the unlawful removal or destruction of agency records is also improved.

Mr. Chairman, passage of H.R. 3987 this year will be more than a gift of independence to the Archives on its 50th birthday. Establishing the independence of the Archives, and ensuring that the Archivist has sufficient authority to carry out his functions efficiently and effectively, will be a gift to the generations to come.

I urge support for this bill.

□ 1510

Mr. HORTON. Mr. Chairman, I yield myself 5 minutes.

(Mr. HORTON asked and was given permission to revise and extend his remarks.)

Mr. HORTON. Mr. Chairman, I rise in strong support of H.R. 3987, the National Archives and Records Administration Act of 1984.

This bill would rectify a mistake of 35 years' standing. By separating the National Archives from the General Services Administration, and reestablishing it as an independent agency, H.R. 3987 would greatly strengthen the ability of the Federal Government to protect, preserve, and make available to its citizens the records which document its history.

I am pleased to note that the administration has stated that it, too, supports the establishment of the National Archives as an independent Federal agency.

Mr. Chairman, let me provide a historical perspective to this subject. During the 1930's and 1940's, as the Government tried to move quickly to fight the effects of the Great Depression, and then World War II, the executive branch became a jumble of independent agencies. After the war, people realized that if the Government were to function effectively, order would have to be rendered from this chaos. Spurred by the work of the first Hoover Commission, Congress abolished some agencies and consolidated many others.

Among the consolidations was the creation of a central housekeeping agency, the General Services Administration. Within GSA were brought together the Government's activities relating to various business-related activities—construction and operation of public buildings, procurement and distribution of supplies, and other similar matters—and the National Archives.

The idea of consolidation is frequently a good one in structuring executive agencies, and I am convinced that GSA, despite its failings, works better as a single agency than it would if its parts were still separate. But the National Archives is a glaring exception to that statement, as investigations by the Committee on Government Operations have made clear.

The National Archives has virtually nothing to do with business. It selects, preserves, and makes available to the public the permanently valuable historical records of the Federal Government. It stores and services noncurrent records of other agencies. It operates libraries containing the papers of several former Presidents. It publishes the Federal Register and other documents. And it coordinates the work of the National Historical Publications and Records Commission. None of these functions have much of anything in common with any other activity of the General Services Administration.

In my 22 years of service on the Government Operations Committee, we have always tried to make sure that agencies are organized in ways which will be most conducive to the performance of their functions. Back when the Congress placed the National Archives in GSA, it violated that fundamental principle of organization. The "shotgun marriage" of housekeeping functions with a cultural activity has never worked, and the wonder to me in retrospect is why we have taken so long to recognize it.

The basic incompatibility between running a business and encouraging scholarly research has been most vividly demonstrated by the misunderstanding of the Archives by the GSA Administrators and their subordinates. An Administrator appointed by Presi-

dent Kennedy imposed an inappropriate set of management goals on the Archives. An appointee of President Nixon attempted to take possession of Presidential papers under conditions which were antithetical to public access. An appointee of President Carter tried to decentralize the agency's holdings, which would have had highly detrimental effects on historical research. Under all these individuals and others, support personnel in GSA have not understood the mission of the Archives, and consequently have not provided it with an appropriate level or quality of services.

Throughout the years, the highly dedicated and professional staff of the National Archives has been able to overcome the misguided efforts of GSA Administrators and keep the agency on course. But this is hardly the way that organizations should be designed to operate. The Archives could obviously function much better if its own professional leadership were free to set policy which is consistent with the agency's mission.

Furthermore, I wonder how much longer the organization could survive under the current structure. Over the past decade, reference requests from the public to the Archives roughly doubled, and requests from other agencies tripled. The need for preservation of documents has become more apparent, and in many cases, critical. Demands for greater declassification of records have been made by many people, including the current President's national security adviser. The number of items offered to the Archives for accessioning as permanently valuable records of the Government grows each year. But appropriations have not kept pace with inflation, and as fixed costs—mainly imputed rent—consume a greater part of the agency's budget, funds available for staff have shrunk. Permanent employment at the Archives dropped by a third from 1976 to 1983; the last class of professional archivists entered 5 years ago, and many of those people have left since then.

Mr. Chairman, the National Archives now stands as an agency on the brink of being unable to do its job. The professional archival community knows it. The agency's employees know it. The Archivist of the United States knows it. But as long as the Archives remains in the General Services Administration, an agency with a business-oriented outlook, the immense needs go unrecognized or frustrated by the parent organization. Resources continue to be diverted to functions which are more consistent with GSA's main purpose.

Enactment of H.R. 3987 will put an end to this situation. Mr. Chairman, I urge all Members to give this bill their support.

Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CONABLE].

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Mr. CONABLE. Mr. Chairman, I thank the gentleman for yielding to me.

I rise in support of H.R. 3987, which would establish the National Archives and Records Service as an independent agency in the executive branch.

When the National Archives Act was passed in 1934, the National Archives was an independent agency with the Archivist of the United States appointed by the President with the consent of the Senate; in 1949, the National Archives was incorporated into the General Services Administration.

I agree with historians who say that the functions of these two agencies are incompatible. In my judgment, the GSA—as the “custodian” of the Federal Government—is not equipped to provide the specialized services needed to collect and preserve the records of our documentary history. It is imperative that the National Archives and Records Service be given a mandate to perform this work independently. The National Archives and Records Service should have authority over its own budget, program priorities, and personnel management as do the Library of Congress and the Smithsonian Institution.

It is fitting that in 1984—the 50th anniversary of the founding of the National Archives as an independent agency—it again be restored to that status.

I ask my colleagues to support H.R. 3987.

Mr. Chairman, I would like to ask the managers of this bill a question, however, and that reflects an ignorance on my part that I would like to have dispelled if possible, and that is does H.R. 3987 follow fairly closely S. 905 as originally submitted or as amended on the floor of the Senate?

My particular concern is an amendment that was adopted on the floor of the Senate as follows:

Notwithstanding any provision in this title, no return or return information as defined in section 6103 of title XXVI of the United States Code may be disclosed except as authorized by title XXVI.

Now, such return information—that is the amendment that was adopted in the Senate—such return information would involve tax information and it would cover IRS records directly and information relating to return information found in the files of other agencies, such as the FBI, the Federal district courts, the GAO among others.

I object to this particular amendment adopted in the floor of the other body, because it would have the tendency to isolate forever, without access, returns relating to tax information. I think it may be entirely appropriate to seal such information for a limited period of time, even for 15 or 25 years, but I would hate to see it made permanently inaccessible, because that is incompatible with the purpose of the public archives, which are to preserve for the access and instruction of the

public the records relating to important instrumentalities of Government.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. Yes, I yield to the gentleman from New York.

Mr. HORTON. That provision is not in this bill. I would agree with the gentleman.

Mr. BROOKS. Mr. Chairman, will the gentleman yield?

Mr. CONABLE. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Chairman, let me just say to my distinguished friend, the gentleman from New York, that I was most favorably impressed with his objective and enlightened attitude about the treatment of IRS records in relation to this legislation. I fully share the gentleman's deep concern and would state for the record that the bill as reported by the Government Operations Committee maintains the status quo of these IRS records.

I understand that the IRS and the Archivist have some differences about the handling of tax records, but I did not think we ought to try to resolve that policy question in this legislation or exclude the IRS forever from any evaluation as to what kind of records are to be disclosed.

The gentleman's position on that is a wise one and I hope we can maintain it. I hope the gentleman will talk with some of the other members of that great committee on which the gentleman serves with such honor, and maybe with some of the senior staff who seem to have a divergent view from that so eloquently expressed by the gentleman.

Mr. CONABLE. Well, as the gentleman knows, my jurisdictional responsibilities give me more than a passing interest in tax matters. I do believe that to seal these records forever would be totally inconsistent with the purpose of the archives, while putting some appropriate restriction on it, because obviously tax information does have to be constrained to some extent. It would seem there should come a time when the public should have access to that along with all other Government records.

I thank the gentleman very much for his assurance. I am grateful to the committee for taking the attitude it does on this sensitive matter.

(Mr. CONABLE asked and was given permission to revise and extend his remarks.)

Mr. BROOKS. Mr. Chairman, I yield 7 minutes to the distinguished chairman of the Subcommittee on Government Information, Justice, and Agriculture, the gentleman from Oklahoma [Mr. ENGLISH] whose subcommittee has maintained such excellent oversight on the National Archives and Records Service.

(Mr. ENGLISH asked and was given permission to revise and extend his remarks.)

Mr. ENGLISH. Mr. Chairman, I am pleased to have the opportunity to express my continued support for reestablishment of an independent Archives.

Let me assure you at the outset—I know that independence is not a panacea; that it will not solve all of the many problems facing the National Archives. But, after nearly 4 years as chairman of the subcommittee with oversight of the Archives, I also know that until the Archives becomes independent it cannot realistically address many of those problems.

The problems addressed by this legislation are not new. The National Archives was created as an independent agency in 1934. However, 15 years later it was incorporated into the newly created General Services Administration. This change was inspired by the first Hoover Commission. That commission operated under the principle that government efficiency would be increased by grouping agencies with comparable functions and, thereby, reducing the number of separate agencies.

The Hoover principle was, and is, sound. Unfortunately, as archivists and historians tried to tell us from the very outset, the grouping effected by the creation of GSA was less than totally logical: the Government's procurement officer, its supply clerk, and its buildings management team—people under constant pressure to keep the wheels of Government well oiled with desks and dust pans—were placed under the same roof as those charged with preserving the documentary history of our Nation.

Nevertheless, the Archives fared reasonably well during the first years of this arrangement. At my subcommittee's March 1982 hearing, Jess Larson, a fellow Oklahoman who happened to be the first administrator of General Services explained why this was so. He told us he delegated authority to the Archivist, kept his hands off day-to-day operations, and supported necessary increases in funding and staff.

Larson's understanding of, and support for, the mission of the Archives was apparently the exception to the rule for GSA administrators. The relationship deteriorated rapidly; and, in 1965, Wayne Grover used the occasion of his retirement after 32 years of Government service—during 17 of those years he served as Archivist—to urge the reestablishment of an independent National Archives.

I don't want to take a lot of the House's time running through the myriad problems in the GSA-Archives relationship uncovered by my subcommittee; however, there are several incidents that I think are symptomatic of how little GSA support there is for the mission of the Archives or real concern over the well-being of this Nation's documentary history:

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For example, last fall, after a multi-year, bipartisan effort, the National Historical Publications and Records Commission Grant Program was finally reauthorized for 5 years. Despite our effort, despite the President's approval, when the time came to put together the President's 1985 budget, the budget review panel at GSA decided once again to try to zero-out this small but important program.

Another incident found the administrator of General Services reneging on a public commitment made in March of 1982 that his public buildings service would correct longstanding fire safety and environmental problems at the Archives. When faced with a devastating fire safety assessment last October, GAS officials concocted an illegal retroactive delegation of authority—shifting the burden for fire safety from PBS to the Archives, effective October 1, 1981.

Just last year, my subcommittee discovered that GSA managers were intimately involved in the day-to-day operations of the Archives. Management controls are one thing, but we found that all Archives personnel actions had to be approved by GSA; that individuals were transferred between the Archives and GSA, at the whim of GSA officials; that already approved travel was subjected to yet a second GSA review; and, finally, that when Archives officials balked, a GSA study team was sent to the Archives for the sole purpose of finding ways to discredit both those individuals and the independent Archives initiative.

My support for the reestablishment of the National Archives as an independent entity represents an evolution in my thinking. Had someone broached the subject with me 5 years ago, I would have told him that drawing new boxes is expensive and doesn't solve problems. But then, of course, I didn't understand that GSA was causing many, and impeding resolution of most, of the Archives' problems.

Now after 4 years as chairman of the Oversight Subcommittee, I've come to believe we can solve problems and, in the long run, save both money and our documentary heritage, by making a change. The administration supports reestablishment of an independent Archives; the Senate has passed an independent Archives bill; and now, in this, the golden anniversary year of our National Archives, it is the turn of the House of Representatives.

I urge my colleagues to support enactment of H.R. 3987.

□ 1520

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. KINDNESS] the ranking minority member of the Subcommittee on Government Information, Justice, and Agriculture of the Committee on Government Operations.

(Mr. KINDNESS asked and was given permission to revise and extend his remarks.)

Mr. KINDNESS. Mr. Chairman, I rise in opposition to H.R. 3987. I do not believe it is either wise or necessary to grant the National Archives independence at this time and I fear that independence could exacerbate rather than solve the problems that are faced by the National Archives in the fulfillment of its mission.

Based both on general principles of government organization and on particular circumstances of the National Archives, this bill provides the wrong response to the legitimate concerns that have been raised over the fulfillment of the National Archives' mission.

So here we go again. The wagon is already rolling down the hill and I am saying "Whoa."

Well, somebody ought to say "Whoa." It is worth taking a few minutes to look at this matter, and I am not going to bore my colleagues with a lot of detail at this time because it is Monday afternoon and we are really going to be deciding on this bill on Wednesday, and nobody is paying that much attention today probably.

But I just would like to point out, for example, that the role of the National Archives basically has been preservation of historical records from its inception. Just last week in our morning newspaper we were treated to the news that finally the National Archives has a 20-year preservation plan. They have not had a plan of work for all of these years.

This is the kind of institutional problem that needs to be solved. It is not going to be solved by making the National Archives and Records Service independent.

Several years ago a structurally similar organization was considered by the Congress; that is, the creation of the Department of Education. Everybody loved that one. Certainly the size of the agencies involved and the constituency politics were of a larger scale. But it was fundamentally, as here, a question of whether a subunit of an organization should be severed from that organization and given equal rank with that organization.

Well, we did it. Was it the right thing to do? You tell me.

I think it is clear from the lobbying on this legislation that there is a narrow constituency group which feels that its interests will be better served by having a National Archives independent of the General Services Administration, just as the National Education Association lobbied on behalf of creation of the Department of Education. But was it the right thing to do? I question that.

Finally, I do not believe that you will find independence from GSA is necessary in order to solve the problems which are alleged to arise out of its structural placement within GSA. I have prepared an amendment in the nature of a substitute which I will file for the record for printing in the Record today which would provide

just those things necessary to bring the National Archives and Records Service into the kind of condition that we are all talking about. It is very, very similar to the committee reported bill.

It would transfer all statutory authority from the Administrator of the GSA to the Archivist, just as does the committee bill. It would provide for Presidential appointment of the Archivist. It contains the provisions of title II of the committee bill clarifying the Archivist's authority to make final determinations as to what is an agency record. And like the Department of Energy Act, it provides that the National Archives original budget request must be included in GSA's budget submission to the Congress. So it is right out there in clear light, and we could not have a continuation of the problems with the budget that the national archives has experienced within GSA in recent years.

The one thing my substitute would not do that the committee bill does is to sever the National Archives from the GSA and make it an independent agency.

In sum, I believe that independence is a drastic step which is neither wise nor necessary. I would urge consideration by my colleagues of the amendment in the nature of a substitute which will be printed in the Record for today.

Mr. Chairman, it is worth taking a few moments to review just what some of those missions are. If we relied solely on constituent mail, we might come to the conclusion that the National Archives is solely a cultural institution, like the Smithsonian, which serves the interests of scholars and genealogists only. Certainly, the acquisition and preservation of historically significant documents and nondocumentary material and the facilitation of the use and exhibition of those materials are some of the most important reasons for the existence of the National Archives. But, the Archives has also been responsible for the daily publishing of the Federal Register and for the fostering of good records management practices in Federal agencies which will assure the adequacy of documentation of the operations of the agencies. Thus, the Archives is not just a cultural institution, but rather it is also an important participant in the day-to-day operations of the Federal Government.

The National Archives was created 50 years ago and, so, in terms of preserving the historically important documents of our Nation's history, it was already over 150 years behind. In terms of day-to-day records management as we know it today, that was a concept which was just beginning to be developed as the size and role of the Federal Government was beginning to expand.

Today, 50 years later, how good a job has the Archives done? I believe

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that a review of testimony received over the last 6 years by the Government Information Subcommittee, which has the responsibility of oversight of the National Archives, is instructive. For example, in the area of preservation, we learned back in 1979 that, up to that point, the National Archives was spending but one quarter of 1 percent of its budget on textual preservation; but, what was more disturbing was that NARS did not appear to have any systematic program to meet its responsibilities for the physical preservation of historically significant Government records. In oversight hearings 2½ years later, in March 1982, we learned that the budget for preservation had been increased to a few percent but that the Archives still did not have a plan by which to fulfill its preservation responsibilities.

While I am pleased that the Archives has finally developed a plan, I am reminded of other testimony we received in those hearings as to how much more rapidly the documents of the post-Civil War period deteriorate because of the higher acid content paper that was used from that time on, and I wonder how much time we have lost in waiting for the Archives to even come up with a plan—not the money, mind you—just the plan.

One other example in the area of preservation. In 1978, there was a tragic fire at the Suitland, MD, film vaults in which millions of feet of newsreel film was destroyed. This film was nitrate-based and highly flammable. After an investigation by the Government Operations Committee, it reported to the House that it was questionable why the Archives had so much nitrate-based film at the time of the fire. The committee found that even though some of the footage was old enough to deteriorate to a dangerous point, the Archives proceeded at a slow, almost miserly, rate in converting it to safety-base film. And, the committee found that much of the film, which had been acquired in 1970 from Universal Studios, was accessioned without first determining what was historically valuable and thus worth preserving. In hindsight, then-Archivist James B. Rhoads acknowledged error, but said that:

On the other hand, we have stored film in these specially constructed vaults since 1949, and until August 1977 without incident. Based on nearly 30 years of nitrate storage experience, we felt the risk of suffering a severe loss from fire was minimal.

Ironically, the first Archivist of the United States, Dr. Wayne C. Grover, expressed concern over some of that film in testimony before the Government Operations Committee in 1950 in which he stated that:

We do have a peculiar problem there in connection with that film because it is usually on a nitrate base which deteriorates rather rapidly and is highly explosive under certain conditions. We hope either to get some better constructed vaults for that film than we now have or else to transfer the film to an acetate base, which is a very ex-

pensive process—even more expensive, I think, than the film vaults.

Well, Mr. Chairman, neither was done by the National Archives and it exacerbated the problem by acquiring more film than it could handle or should accession and by not planning for its proper preservation.

Some might say that I am rehashing old news and that things are getting better at the National Archives; and, I wouldn't disagree with them. The point is that this is symptomatic of management at the National Archives. And, before anyone jumps in and says "Resources. What about the resources to do the job?" I suggest that before one can obtain resources he must have some idea as to what he is going to do with those resources. The Archives has had great difficulty in figuring out exactly what it needed to do and that is what concerns me about granting it independence.

The National Archives has been a part of GSA since 1949; so its problems go back to times when it was independent as well as since it has been a component of GSA. And, I am not standing in this well as a defender of the General Services Administration. The actions of Administrators Sampson and Freeman were ill-conceived and went beyond the legitimate supervisory control of the Administrator over one of GSA's components to which statutory authority has been delegated. In fact, for those who, like John Adams on behalf of the Thirteen Colonies, have called long and strong for independence for the Archives, from GSA, former GSA Administrator Gerry Carmen effectively rekindled memories of King George III's treatment of the American Colonies with his treatment of NARS.

Perhaps if, as a result of our oversight of the National Archives over the last 6 years, I had seen evidence of better management, I would be less reluctant to support independence. But, I did not see that management improvement was dependent upon NARS relationship with GSA. And, I believe that there are some general principals of government organization which should be considered before we decide whether it is wise to grant independence to the Archives.

In opposing the severance of the Office of Education and its elevation to Cabinet rank, our late colleague, Ben Rosenthal, and three others, Messrs. CONYERS, WAXMAN, and WEISS, wrote that:

The proposal for a Department of Education constitutes a rejection of the theory of administrative management which underlies the recommendations of the first Hoover Commission (1949), the Heineman Commission (1967), and the Ash Council (1971). All three commissions argued for large Departments organized around general purposes and rejected any need for narrow, constituency oriented departments.

In particular, the Heineman commission report stated:

We urge resistance by Presidents to the perpetual pressures to create more execu-

tive departments and independent agencies. Unchecked, these pressures to widen the President's span of control will eliminate the possibility of meaningful direction from and contact between the President and the major line officials of his administration. We do not believe that either the Nation or the President can afford today or in the future to waste the President's major line deputies in the running of interference or errands for narrow groups.

Some may say in response that the National Archives really doesn't belong within GSA; that the custodian of the Government's washrooms, storerooms, and workrooms should not be the custodian of the Nation's records. That argument proves too much. We have already decided that the National Archives should not be in charge of the Government's acquisition of automated data processing equipment, the means of managing an increasing store of Government records in the present and the future. Who's to say that, given the ever-changing technology and the need for the Government to keep up with it, GSA's Office of Information Resources Management couldn't justify independent status. Why should people who presumably have expertise in hardware and software, and local area networks, and fibre optics, have to compete for budget and management resources with people who procure pencils and cleaning fluids. Now, I don't want to give Frank Carr, the current head of the Office of Information Resources Management, any ideas here. But, given the important day-to-day responsibilities to the entire Federal Government which are delegated to the National Archives for records management and publishing the Federal Register and running the Federal records centers, I do not believe that the argument that the National Archives is incompatible with GSA is particularly persuasive; if anything, it proves too much in that it could justify independence for other components of GSA as well.

In addition to violating a general principle of government organization, I believe that this bill could make the fulfillment of NARS' missions more difficult. There is no guarantee that an independent National Archives will have more resources with which to work. I think it is important to point out that I have not opposed more resources for the Archives; I have despaired at times at how those resources have been used, but I do not deny the need for more resources to fulfill its missions.

An independent National Archives will have to provide administrative support services now provided by GSA. Those services include: Congressional Affairs, Office of Ethics, Public Affairs, General Counsel, Inspector General, Personnel, Budget and Finance, Office of Oversight, and Procurement. While the bill before us contains a provision for transfer of appropriations from GSA to NARS for these



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services, it is not clear that it will be enough to provide high enough grade level for the heads of these new offices within a newly independent NARS or the physical accommodations in which to situate them. I think we should expect NARS to come to us next year seeking more than will be transferred in this act in order to provide an adequate level of administrative support services for itself.

And that brings to mind the budget woes of the original National Archives when it was independent from 1934 through 1949. In his book, "The National Archives: America's Ministry of Documents, 1934-1968," Donald McCoy stated the advantages accruing to NARS upon its incorporating into GSA:

[GSA] did assume administrative tasks that the Archivists had often found onerous. It also made NARS more conscious of how to do things efficiently. Equally important, NARS would be generally better financed and better protected from the occasional wrath of Congress and the White House . . . There would be troubles, of course. The Archivist would have problems getting everything for his organization that he believed it needed, and occasionally officials in GSA's central office would be overbearing, interfering, and even obtuse. They were, however, ever so much more effective at getting program authorizations and funds for NARS than it had ever been as an independent agency].

I suspect that proponents of independence could reply that the Archives budget situation couldn't get much worse than it was in the past couple of years under Gerry Carmen. But, I wouldn't be so confident that it's going to get much better. There are a lot of interests competing for Federal dollars and the Archives is going to have to be thoroughly prepared with justifications for increases. Even when NARS has had the support of GSA, it has not been assured of success. In his prepared testimony before the Government Information Subcommittee in 1979, then-GSA Inspector General Kurt Muellenberg noted that for the 2 previous years NARS had requested funds through the budget process to alleviate backlogs in accessioning and description but each year OMB reduced the funding level to that of the preceding year. Perhaps the recent announcement of the 20-year preservation plan shows signs that NARS is beginning to make the hard decisions that constitute planning. Now it has to develop the justifications to support such a program. I am not confident, given what has gone on to date, that NARS will be successful without some additional focus upon good management practices.

Arthur Sampson could sign an agreement with former President Nixon because statutory authority to enter into such agreements is vested in the Administrator, not the Archivist. Rowland Freeman was able to propose dispersing the Archives collections through the records centers because such authority is vested in the Admin-

istrator, not the Archivist. A statutory transfer of the authority contained in title 44 of the United States Code from the Administrator to the Archivist would deprive the Administrator of the statutory basis with which to meddle in the substantive archival responsibilities contained in title 44. And, that can be done without setting up the Archives as an independent agency. Furthermore, it is not unusual for Congress to grant a larger measure of autonomy to some components of an agency as opposed to others. The Office of Federal Procurement Policy within OMB is one example and the Federal Energy Regulatory Commission within the Department of Energy is another. With respect to the latter, Congress provided that the budget submission of the Energy Secretary contain the original request of the Federal Energy Regulatory Commission so that, in effect, FERC has a direct line to Congress as to its budget needs. Providing similar authority to the Archives would give it the best of both worlds—support from the larger agency, GSA, when GSA agrees, for its budget request, and a direct, official line to the Congress, even bypassing OMB, when it doesn't have the support of GSA.

Granting a large degree of program autonomy would free the Archives from the meddling of Administrators in the past while sparing it the trauma and drain on resources that will necessarily come from the efforts to establish itself as an independent agency. The Archives has made some progress over the past 6 years; but, it has been slow, painfully, unjustifiably slow.

So, I hope that the House will not adopt the committee bill in its current form and instead consider an alternative which would alleviate most of the problems inherent in the relationship between NARS and GSA while not throwing the Archives out into the world, unprepared to be out on its own.

Mr. HORTON. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. BROOKS. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. ENGLISH] having assumed the chair, Mr. GONZALEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3987) to improve the preservation and management of Federal records, and for other purposes, had come to no resolution thereon.

## GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## TAX STATUS OF SPACE ACT

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, my colleague HERB BATEMAN and I have recently introduced a simple, yet immensely elegant bill called the "Tax Status of Space Act." Mr. Speaker, this bill is a measure of vital importance to the growth and long-term health of the commercial space industry. Under current law, companies that make and do things in space are forced to bear the brunt of unfair and unintentional discrimination with regard to their tax status. This is true only because when many of our tax laws were crafted, we never dreamed that we would be making products in space for profit. Times have changed and so must the "tax status of space."

Under current tax law, space investments are not eligible for the investment tax credit, the research and development tax credit, or accelerated depreciation, solely because these investments are located in space, rather than on the ground in the United States. In addition, under current law, income earned from space will be considered "foreign source" income. And, under current law, products made in space by American companies on American spacecraft will be subject to import tariffs when they are returned to the ground by the space shuttle! All of this not by design, but just because it never occurred to us that space would be a place of business where fortunes are won and lost.

It is clear that the age of space commerce has dawned. Already, our Nation's entrepreneurs are engaged in the early phases of commercial space activities. Some of the products which can be made better and cheaper in the zero-gravity environment of space include: The manufacture of drugs to treat serious diseases such as diabetes and cancer, the growth and manufacture of crystals for advanced computer chips, and the casting of new metals and alloys with valuable properties unknown until now.

It is estimated that by the year 2000, commercial space activities may be worth as much as \$200-\$300 billion to our national economy and may account for as many as 10 million jobs. Commercial space activities will certainly be a building block for our Nation's economic prosperity in the years ahead.

I ask that my colleagues lend their full support to H.R. 5975, the Tax Status of Space Act, introduced by myself and Representative HERB BATE-